

3 FAH-2 H-140 SEPARATIONS

3 FAH-2 H-141 SEPARATION ACTIONS

3 FAH-2 H-141.1 Key Concepts

(TL:FSNH-2; 2-10-92)

(Uniform State/AID/USIA/Commerce/Agriculture)

- a. An employee who performs poorly during the probationary period should be dismissed.
- b. Management needs precise and accurate documentation for any separation action it initiates.
- c. Any employee being separated from the Foreign Service should be counseled about all benefits to which he or she may be entitled.

3 FAH-2 H-141.2 Policy

(TL:FSNH-2; 2-10-92)

(Uniform State/AID/USIA/Commerce/Agriculture)

An FSN employee may be dismissed at any time in accordance with uniform rules developed by the mission. These rules should conform to the procedures used by similar reputable, competitive employers in the area and must not violate local labor laws. Separations also may be made for reasons of security or suitability as determined by the post security officer. Under no circumstances may a dismissal be arbitrary or capricious.

3 FAH-2 H-141.3 Separation During Probationary Period

(TL:FSNH-2; 2-10-92)

(Uniform State/AID/USIA/Commerce/Agriculture)

Employees can be dismissed at any time during the probationary period after a fair trial on the job. If your evaluations have been careful and honest, unsatisfactory employees can be removed with a minimum of trouble when the effect is least damaging. Since the probationary period is considered a part of the examining process, employees who do not succeed can be considered simply as having failed the examination for appointment. When deciding whether or not to retain probationary employees, ask yourself:

- a. Given their skills, do they apply themselves industriously to their tasks?
- b. Do they meet a standard of performance expected at their salary level?

- c. Do they get along well with others in the office?

See also 3 FAH-2 H-135.6 , Probationary Ratings, for additional guidance.

3 FAH-2 H-141.4 Separation Actions Initiated by Management

(TL:FSNH-2; 2-10-92)

(Uniform State/AID/USIA/Commerce/Agriculture)

a. Care and good judgment are required when processing separation actions for cause, disqualification, age, reduction-in-force, etc. Work closely with the personnel officer to ensure that you comply with all regulatory and procedural requirements. Be sure that the employee is fully informed about the proposed action, that he or she is suitably counseled, that the maximum advance notice is provided consistent with the type of separation, and that you allow enough time to comply with all requirements. Precise and accurate documentation is required for any separation action initiated by management.

b. Removal for cause usually is imposed for misconduct, delinquency, or unsatisfactory performance of duties. Quitting a post of duty or failing to meet conditions specified at the time of appointment also are causes for separation.

c. An employee may be removed for a single offense or for repeated violations. Dismissal is often the final step after lesser disciplinary actions have failed to correct the situation, but you do not need a history of reprimands or suspensions before taking action. It is essential that the record and evidence clearly support any and all disciplinary actions. If you have allowed a serious offense to occur without a penalty, it will be difficult to assert later that it was a serious offense.

d. Evidence in any disciplinary action must be specific. You must have proof of your charges. Opinion and conjecture have no place in written evidence. Facts and only facts must be reported. Evidence should include any available memoranda, statements of witnesses, letters of warning, abstracts of leave records or other such pertinent data and performance ratings that show deficiencies. The more detailed and well documented your charges are, the better your chances are to remove an employee with a minimum of trouble.

e. Don't wait until the annual rating date if an employee should be removed. If you have evidence to justify an unsatisfactory performance rating, you probably have evidence to substantiate a removal. In such cases, the employee can be dismissed after the charges are presented to him or her, provided management decides that dismissal is warranted after considering all the facts as well as the employee's reply to the charges. However, if you decide that you need an unsatisfactory rating for an employee, first you should give a written warning that lists the employee's strengths and weaknesses, how he or she has failed to meet the performance requirements of the job, how he or she must improve in order to meet the requirements, and what efforts you will make to help the employee to improve.

f. Learn from experience. Maybe the person you helped to fire was hopeless from the start. Maybe his or her problems were so deep-seated that nothing you could have done would have helped. But was that the case? Ask yourself what really caused this failure?

- (1) Why was this employee selected?
- (2) Was he or she assigned to the wrong job?
- (3) Did you give the employee adequate training?
- (4) Why did the employee lose interest?
- (5) Was there a lack of communication?
- (6) Were you indifferent to his or her complaints?
- (7) Did you overlook early danger signals?

If any of these factors, or some other failures in management, contributed to the situation, perhaps you could have done something about it.

3 FAH-2 H-141.5 Separation Actions Started by the Employee

(TL:FSNH-2; 2-10-92)

(Uniform State/AID/USIA/Commerce/Agriculture)

Other separations include desertion, disappearance, military service, disability, resignation, retirement, and death. Early in these situations, coordinate with the personnel officer to help process the separation, to counsel the employee about benefit entitlements, and to begin the search for replacements.

A. Resignation

When an employee wants to resign, instruct him or her to write a notice of resignation giving reasons for the resignation, a proposed effective date, and a forwarding address. This letter becomes a matter of record in the employee's official personnel file. You should talk with the employee as soon as possible to find out if any reasons beyond those stated contributed to the resignation. If the problem is a work-related situation, you may be able to correct it and thus prevent the loss of a valuable employee.

B. Retirement

(1) Be sure that any employee who may be eligible for or who is considering retirement in the near future is counseled by the personnel officer about rights and benefits under the retirement system.

(2) Any employee who has the age and service credit qualifications to retire has doubtless given long and faithful service to the mission. Even though you may have known the employee for only a short period, you should be sure that the employee receives proper recognition. It certainly is not the employee's fault that American supervisors rotate every 2-4 years; this factor should not cause the employee's retirement to pass unnoticed. Work with the personnel officer to plan a suitable ceremony. Local customs for retirement observances should be followed as much as possible. American supervisors should not start collections for gifts, but they may respond to requests initiated by others if they wish.

C. Death

As soon as you learn of the death of an employee, contact the personnel officer and work to ensure that the family of the deceased receives all entitlements as expeditiously as possible. Since these vary by region, you need to consult the personnel officer about specific entitlements at your post. Give the family any assistance that you can at this time and be careful to comply with their wishes. Customs differ widely from one culture to another, so be certain that your actions are suitable in your particular region.

3 FAH-2 H-141.6 Post Clearance and Exit Interview

(TL:FSNH-2; 2-10-92)

(Uniform State/AID/USIA/Commerce/Agriculture)

Refer any employee who is leaving the service to the personnel officer for an exit interview and instructions about post clearance procedures, final salary payment, and retirement considerations.

3 FAH-2 H-141.7 Summary

(TL:FSNH-2; 2-10-92)

(Uniform State/AID/USIA/Commerce/Agriculture)

Supervisors must accurately document all requests for separation for cause. They should discuss all anticipated or pending separation actions with the personnel officer as soon as possible and ensure that all regulatory and procedural requirements are fulfilled.

3 FAH-2 H-141.8 References

(TL:FSNH-2; 2-10-92)

(Uniform State/AID/USIA/Commerce/Agriculture)

See 3 FAM 974 for FSN Employee Separations

Interagency Handbook on Foreign Service National Personnel Administration (FSNPAH), Section 13, Separations.

3 FAH-2 H-142 THROUGH H-149 UNASSIGNED